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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 JAMES BATTERSON,

9 Plaintiff,

10 v.

11 BRUCE BANNISTER, *et al.*,

12 Defendants.
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3:07-CV-142-RCJ(VPC)

ORDER

14 Before the Court is the Report and Recommendation of U.S. Magistrate Valerie P. Cooke, (#78¹)
15 entered on July 29, 2010, recommending Defendants' Motion to Dismiss for Failure to Prosecute (#74)
16 be denied without prejudice, the parties attend a settlement conference and the matter be set for trial.
17 Defendants filed their response to the Report and Recommendation (#79) on August 11, 2010.

18 The Court has conducted its *de novo* review in this case, has fully considered the response of
19 the Defendants, the pleadings and memoranda of the parties and other relevant matters of record
20 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2. The Court determines that the Magistrate
21 Judge's Report and Recommendation (#78) entered on July 29, 2010, should be adopted and accepted.

22 IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation (#78)
23 entered on July 29, 2010, is adopted and accepted, and Defendants Motion to Dismiss for Failure to
24 Prosecute (#74) is DENIED without prejudice.

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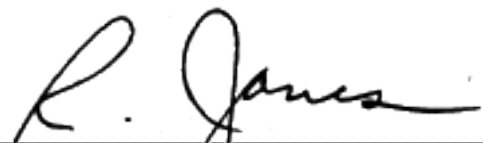
¹Refers to court's docket number.

1 IT IS FURTHER ORDERED that the parties will attend a settlement conference on Monday,
2 October 4, 2010 at 09:00 A.M., in Reno Courtroom 1, before Magistrate Judge Valerie P. Cooke. The
3 Courtroom Deputy Lisa Mann is directed to issue the standing scheduling order for the settlement
4 conference.

5 IT IS FURTHER ORDERED that this matter is scheduled on the October 5, 2010 trial stack at
6 08:30 A.M. in Reno Courtroom 6, before Judge Robert C. Jones. Calendar Call is scheduled for
7 September 27, 2010 at 08:30 A.M. in Reno Courtroom 6 before Judge Robert C. Jones.

8 IT IS SO ORDERED.

9 DATED: this 12th day of August, 2010.

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12 ROBERT C. JONES
13 UNITED STATES DISTRICT JUDGE
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